

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

TEXAS STATE CONFERENCE OF NAACP
BRANCHES, *et al.*,

Plaintiffs,

v.

NANDITA BERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

BELINDA ORTIZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

NOTICE OF PENDING MATTERS AND SUBMISSION OF PROPOSED ORDERS

To facilitate resolution of the numerous motions to quash now pending before this Court, the United States hereby provides the Court with notice of the relevant pleadings in table form, along with proposed orders (1) resolving document subpoenas in a manner consistent with this Court's prior rulings and (2) resolving deposition subpoenas in accordance with the procedures set out in *Perez v. Perry*, No. 5:11-cv-360 (W.D. Tex. Aug. 1, 2011) (three-judge court) (ECF No. 102).

DOCUMENT SUBPOENAS

1. Motions to Quash Identical to ECF No. 251

The U.S. District Court for the Western District of Texas has transferred thirty motions to quash subpoenas duces tecum to this Court. Twenty-eight are identical in substance to the

motion to quash already resolved by this Court. *See* 5/1/14 Minute Order; 5/15/14 Minute Order; *see also* Mot. to Quash (ECF No. 251).

Table 1: Motions to Quash Identical to ECF No. 251

Movant	Docket	Mot. to Quash	Opposition
Rep. Charles Anderson	2:14-cv-227	ECF No. 1	ECF No. 8
Colby Beuck	2:14-cv-214	ECF No. 1	ECF No. 8
Sen. Brian Birdwell	2:14-cv-211	ECF No. 1	ECF No. 8
Rep. Dwayne Bohac	2:14-cv-213	ECF No. 1	ECF No. 8
Rep. Betty Brown	2:14-cv-205	ECF No. 1	ECF No. 8
Rep. Wayne Christian	2:14-cv-206	ECF No. 1	ECF No. 8
Rep. Tom Craddick	2:14-cv-228	ECF No. 1	ECF No. 8
Lt. Gov. David Dewhurst	2:14-cv-230	ECF No. 1	ECF No. 8
Sen. Robert Duncan	2:14-cv-212	ECF No. 1	ECF No. 8
Sen. Troy Fraser	2:14-cv-231	ECF No. 1	ECF No. 8
Rep. John Garza	2:14-cv-219	ECF No. 1	ECF No. 8
Sen. Joan Huffman	2:14-cv-220	ECF No. 1	ECF No. 8
Rep. Larry Gonzales	2:14-cv-215	ECF No. 1	ECF No. 8
Rep. Harvey Hilderbran	2:14-cv-217	ECF No. 1	ECF No. 8
Rep. Linda Harper-Brown	2:14-cv-207	ECF No. 1	ECF No. 8
Bryan Hebert	2:14-cv-208	ECF No. 1	ECF No. 8
Rep. Brian McCall	2:14-cv-232	ECF No. 1	ECF No. 8
Janice McCoy	2:14-cv-233	ECF No. 1	ECF No. 8
Rep. Geanie Morrison	2:14-cv-218	ECF No. 1	ECF No. 8
Rep. Aaron Peña	2:14-cv-234	ECF No. 1	ECF No. 8
Rep. Debbie Riddle	2:14-cv-222	ECF No. 1	ECF No. 8
Rep. David Simpson	2:14-cv-223	ECF No. 1	ECF No. 8
Rep. Todd Smith	2:14-cv-221	ECF No. 1	ECF No. 8
Speaker Joe Strauss III	2:14-cv-224	ECF No. 1	ECF No. 8
Rep. Van Taylor	2:14-cv-210	ECF No. 1	ECF No. 8
Rep. Raul Torres	2:14-cv-209	ECF No. 1	ECF No. 8
Rep. Jeff Wentworth	2:14-cv-235	ECF No. 1	ECF No. 8
Rep. Beverly Woolley	2:14-cv-236	ECF No. 1	ECF No. 8

2. Motions to Quash Identical to ECF No. 251 Plus Time to Comply

The motion to quash filed by Representative Leo Berman contains an additional issue related to the reasonableness of time afforded to comply. This issue is now moot because more than 14 days have passed since service of the subpoena to Representative Berman.

Table 2: Motions to Quash Identical to ECF No. 251 Plus Time to Comply

Movant	Docket	Mot. to Quash	Opposition
Rep. Leo Berman	2:14-cv-216	ECF No. 1	ECF No. 8

3. Motions to Quash Identical to ECF No. 251 Plus Search Terms

The motion to quash filed by the Texas Legislative Council contains an additional issue related to the use of search terms. For the reasons set out in the United States' opposition to the motion to quash (ECF No. 10), use of the search terms would not present an undue burden.

Table 3: Motions to Quash Identical to ECF No. 251 Plus Search Terms

Movant	Docket	Mot. to Quash	Opposition
Texas Legislative Council	2:14-cv-226	ECF No. 1	ECF No. 10

DEPOSITION SUBPOENAS**4. Motions to Quash Identical to ECF No. 290**

Legislators have filed four motions to quash deposition subpoenas in this Court. In addition, the U.S. District Court for the Western District of Texas has transferred two motions to quash deposition subpoenas to this Court. One, filed by Janice McCoy, is identical in substance to the motions to quash already before this Court.

Table 4: Motions to Quash Identical to ECF No. 290

Movant	Docket	Mot. to Quash	Opposition
Sen. Dan Patrick	2:13-cv-193	ECF No. 290	ECF No. 309
Sen. Tommy Williams	2:13-cv-193	ECF No. 296	ECF No. 309
Rep. Patricia Harless	2:13-cv-193	ECF No. 312	ECF No. 315
Speaker Joe Strauss III	2:13-cv-193	ECF No. 313	ECF No. 315
Janice McCoy	2:14-cv-237	ECF No. 1	ECF No. 7

5. Motions to Quash Identical to ECF No. 290 Plus Attorney-Client Privilege

The sixth motion to quash a deposition subpoena (and the second of the two transferred from the U.S. District Court for the Western District of Texas) pending before this Court was filed by Bryan Hebert, an aide to Lieutenant Governor David Dewhurst. That motion contains an additional issue related to the attorney-client privilege. For the reasons set out in the United States' opposition to the motion to quash (ECF No. 7), the attorney-client privilege is not an adequate ground to quash the deposition.

Table 5: Motions to Quash Identical to ECF No. 290 Plus Attorney-Client Privilege

Movant	Docket	Mot. to Quash	Opposition
Bryan Hebert	2:14-cv-225	ECF No. 1	ECF No. 7

6. Motions Pending Before the Western District of Texas

Three additional motions to quash remain pending before the U.S. District Court for the Western District of Texas. The United States has moved to transfer those motions to this Court, but the legislators have declined to consent to transfer.

Table 6: Motions Pending Before the Western District of Texas

Movant	W.D. Tex. Docket	Mot. to Quash	Mot. to Transfer
Sen. Troy Fraser	1:14-mc-509	ECF No. 1	ECF No. 2
Colby Beuck	1:14-mc-515	ECF No. 1	ECF No. 3
Lt. Gov David Dewhurst	1:14-mc-517	ECF No. 1	ECF No. 2

7. Motions Pending Before the Northern District of Texas

Another motion to quash was filed today by Sen. Robert Duncan in the U.S. District Court for the Northern District of Texas. The United States anticipates moving to transfer that motion shortly to this Court.

Table 7: Motions Pending Before the Northern District of Texas

Movant	N.D. Tex. Docket	Mot. to Quash	Mot. to Transfer
Sen. Robert Duncan	Unknown	ECF No. 1	To Be Filed

8. Legislators Who Have Not Yet Moved To Quash

Finally, two legislators who have received deposition subpoenas have not yet moved to quash. Because the deposition subpoenas served on these individuals set preliminary deposition dates for tomorrow, June 5, 2014, the United States anticipates that those individuals will move to quash shortly.

Table 8: Legislators Who Have Not Yet Moved To Quash

Subpoena Recipient	Anticipated Filing District
Sen. Brian Birdwell	N.D. Tex.
Rep. Debbie Riddle	S.D. Tex.

Date: June 4, 2014

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

Respectfully submitted,

JOCELYN SAMUELS
Acting Assistant Attorney General
Civil Rights Division

/s/ Daniel J. Freeman

T. CHRISTIAN HERREN, JR.
MEREDITH BELL-PLATTS
ELIZABETH S. WESTFALL
BRUCE I. GEAR
JENNIFER L. MARANZANO
ANNA M. BALDWIN
DANIEL J. FREEMAN
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2014, I served a true and correct copy of the foregoing via the Court's ECF system on the following counsel of record:

John B. Scott
John Reed Clay, Jr.
Gregory David Whitley
Jonathan F. Mitchell
Sean Flammer
Stephen Ronald Keister
Arthur D'Andrea
Jennifer Marie Roscetti
Lindsey Elizabeth Wolf
Office of the Texas Attorney General
john.scott@texasattorneygeneral.gov
reed.clay@texasattorneygeneral.gov
david.whitley@texasattorneygeneral.gov
jonathan.mitchell@texasattorneygeneral.gov
sean.flammer@texasattorneygeneral.gov
ronny.keister@texasattorneygeneral.gov
arthur.dandrea@texasattorneygeneral.gov
jennifer.roschetti@texasattorneygeneral.gov
lindsey.wolf@texasattorneygeneral.gov

Ben Addison Donnell
Donnell Abernethy & Kieschnick
bdonnell@dakpc.com

Counsel for Defendants

Chad W. Dunn
Kembel Scott Brazil
Brazil & Dunn
chad@bradzilanddunn.com
scott@bazilanddunn.com

J. Gerald Hebert
Emma Simson
Campaign Legal Center
ghebert@campaignlegalcenter.org
esimson@campaignlegalcenter.org

Neil G. Baron
Law Offices of Neil G. Baron
neil@ngbaronlaw.com

Armand Derfner
Derfner, Altman, & Wilborn
aderfner@dawlawn.com

Luiz Roberto Vera, Jr.
lrvlaw@sbcglobal.net

Counsel for Veasey Plaintiffs

Christina Swarns
Ryan P. Haygood
Natasha M. Korgaonkar
Leah C. Aden
Deuel Ross
NAACP Legal Defense and Educational
Fund, Inc.
cswarns@naacpldf.org
rhaygood@naacpldf.org
nkorgaonkar@naacpldf.org
laden@naacpldf.org
dross@naacpldf.org

Danielle Conley
Jonathan Paikin
Kelly P. Dunbar
Sonya L. Lebsack
Gerald J. Sinzdak
Lynn Eisenberg
M. Hasan Ali
Richard F. Shordt
WilmerHale LLP
danielle.conley@wilmerhale.com
jonathan.paikin@wilmerhale.com
kelly.dunbar@wilmerhale.com
sonya.lebsack@wilmerhale.com
Gerard.sinzdak@wilmerhale.com
Lynn.eisenberg@wilmerhale.com
hasan.ali@wilmerhale.com
richard.shordt@wilmerhale.com

*Counsel for Texas League of Young Voters
Plaintiff-Intervenors*

Ezra D. Rosenberg
Amy L. Rudd
Lindsey Cohan
Dechert LLP
ezra.rosenberg@dechert.com
amy.rudd@dechert.com
lindsey.cohan@dechert.com

Wendy Weiser
Jennifer Clark
Myrna Pérez
Vishal Agraharkar
Brennan Center for Justice at NYU School of
Law
wendy.weiser@nyu.edu
jenniferl.clark@nyu.edu
myrna.perez@nyu.edu
vishal.agraharkar@nyu.edu

Mark A. Posner
Sonia Kaur Gill
Erandi Zamora
Lawyers' Committee for Civil Rights
mposner@lawyerscommittee.org
sgill@lawyerscommittee.org
ezamora@lawyerscommittee.org

*Counsel for Texas State Conference of
NAACP Branches Plaintiffs*

Jose Garza
Marinda van Dalen
Robert W. Doggett
Peter McGraw
Kathryn Newell
Priscilla Noriega
Texas Rio Grande Legal Aid, Inc.
jgarza@trla.org
mvandalen@trla.org
rdoggett@trla.org
pmcgraw@trla.org
knewell@trla.org
pnoriega@trla.org

Counsel for Ortiz Plaintiffs

Rolando L. Rios
Law Offices of Rolando L. Rios
rrios@rolandorioslaw.com

Preston Edward Henrichson
Law Offices of Preston Henrichson
preston@henrichsonlaw.com

*Counsel for Texas Association of Hispanic
County Judges and County Commissioners
Plaintiff-Intervenors*

/s/ Daniel J. Freeman

Daniel J. Freeman
Voting Section
Civil Rights Division
U.S. Department of Justice
daniel.freeman@usdoj.gov